



# Wyoming Department of Education

Dr. Jim McBride, Superintendent of Public Instruction

Hathaway Building, 2nd Floor, 2300 Capitol Avenue


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## MEMORANDUM 2007 – 14

**TO:** School District Superintendents

**FROM:** Mary Kay Hill, Director  
Administration Unit 

**DATE:** January 5, 2007

**SUBJECT:** Chapter 39 Rules for Driver Education Program Approval

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### PLEASE READ AND RESPOND AS NECESSARY

Please find enclosed Notice of Intent to Adopt Rules for Chapter 39 Rules for Driver Education Program Approval. The public comment period runs from December 11, 2006 through January 26, 2007.

If you have any questions or need further information, please contact Jennifer Duncan at (307) 777-6213.

Thank you.

MKH: jd

Enclosures

## NOTICE OF INTENT TO ADOPT RULES

1. Agency: Wyoming Department of Education  
Address: 2300 Capitol Avenue, 2<sup>nd</sup> Floor Hathaway Building, Cheyenne, WY 82002  
Agency Contact Person for these Rules: Leeds Pickering  
Work Phone: 307-777-6265
  2. Statement of the terms and substance of the proposed rule or a description of the subjects and issues involved: Chapter 39 is being promulgated in response to Wyo. Stat. 21-3-501(e). These rules address the implementation and regulation of drivers' education courses for new drivers. These rules establish standards for driver education courses; provide for a state coordinator of driver education with duties as specified; require coordinator approval of driver education programs in public, private or commercial schools as specified; granting rulemaking authority; and providing for an effective date.
  3. Citation to each agency rule being amended or repealed: \_\_\_\_\_
  4. If the proposed rules amend existing rules, a copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at: Copies of the proposed rules can be obtained at the Wyoming Department of Education, Attn: Leeds Pickering, 2300 Capitol Avenue, 2nd Floor Hathaway Building, Cheyenne, WY 82002.
  5. Statement of the time when, the place where, and the manner in which interested persons may present their views on the intended action: The public comment period runs December 11, 2006 through January 26, 2007. Please submit public comments to Wyoming Department of Education, ATTN: Leeds Pickering, 2300 Capitol Avenue, 2<sup>nd</sup> Floor Hathaway Building, Cheyenne, WY 82002.
  6. A public hearing will be held if requested by 25 persons, a governmental subdivision or by an association having not less than 25 members. Requests for a public hearing may be addressed to: Leeds Pickering, Wyoming Department of Education, 2300 Capitol Avenue, 2<sup>nd</sup> Floor Hathaway Building, Cheyenne, WY 82002.
- Yes ☐ No ☒ A public hearing on the proposed rules has been scheduled.
7. Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response under this item must be made prior to, or within (thirty) 30 days after adoption of the rule, addressed to: Leeds Pickering, 2300 Capitol Avenue, 2<sup>nd</sup> Floor Hathaway Building, Cheyenne, WY 82002.
  8. Yes ☒ No ☐ These are New Rules (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

If Yes: Citation to the specific legislation resulting in promulgation of these rules:  
Wyo. Stat. 21-3-501(e).

10. Yes \_\_\_ No \_\_\_ These rules are adopted, amended or repealed to comply with federal law or regulatory requirements.

If Yes:

(a) Citation to applicable federal law or regulation:

\_\_\_\_\_

(b) Indicate one:

\_\_\_ The proposed rules meet but do not exceed minimum federal requirements;

or

\_\_\_ The proposed rules exceed minimum federal requirements;

(c) Any person wishing to object to the accuracy of any information provided by the agency under this Item 10 should submit their objections prior to final adoption to: Wyoming Department of Education, ATTN: Leeds Pickering, 2300 Capitol Avenue, 2nd Floor Hathaway Bldg., Cheyenne, WY 82001

If timely objections are submitted the agency will provide the objecting person with a written response explaining and substantiating the agency's position by reference to federal law or regulations.

11. Indicate one: (Required by W.S. 16-3-103(a)(i)(G))

  X   The proposed rule change meets minimum substantive state statutory requirements.

       The proposed rule change exceeds the minimum substantive state statutory requirements.

If the rule change exceeds the minimum substantive state statutory requirements, the agency shall include a statement explaining the reason the rule exceeds minimum substantive statutory requirements.

### **Statement of Reasons for the Adoption of Chapter 39**

Chapter 39 is being promulgated in response to Wyo. Stat. 21-3-501(e). These rules address the implementation and regulation of drivers' education courses for new drivers.

These rules establish standards for driver education courses; provide for a state coordinator of driver education with duties as specified; require coordinator approval of driver education programs in public, private or commercial schools as specified; granting rulemaking authority; and providing for an effective date."

These rules are "new" and meet the minimum substantive state statutory requirements and are within the Agency's statutory authority.

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## CHAPTER 39

### Driver Education Program Approval

**Section 1. Authority.** The State Superintendent of Public Instruction pursuant to the authority granted by Wyo. Stat. 21-3-501 promulgates these rules.

**Section 2. Applicability.** These rules pertain to high school driver education program approval. These rules become effective when signed by the Governor and filed with the Secretary of State's Office.

**Section 3. Promulgation, Amendment or Repeal of Rules.** Any amendments to these rules shall become effective as provided by the Wyoming Administrative Procedure Act (Wyo. Stat. 16-3-101 through 16-3-115).

### **Section 4. Definitions.**

(a) Behind-the-wheel - The practical portion of a driver education program which takes place in a vehicle, operated under on-street conditions under the supervision of a teacher seated in the front seat to the right of the student.

(b) Board of cooperative educational services - A method (established under W.S. 21-20-101 through 21-20-111) for school districts and community college districts, or any combination, to work together and cooperate to provide educational services.

(c) Certificate of approval - A certificate issued by the Wyoming Department of Education to an approved driver education program.

(d) Certificate of completion - A hard copy certificate showing that a student has successfully completed a driver education program.

(e) Classroom session - The portion of a driver education program consisting of lectures, demonstrations, audio-video presentations, written tests, etc. normally presented in a classroom setting.

(f) Clock hour - A period of time, not necessarily consecutive, consisting of 60 minutes.

(g) Community college - An institution established under Wyoming Statute 21, Chapter 18.

(h) Community education program - An educational program offered to a community by a school district, community college, recreation district or other governmental entity.

(i) Driver education program - A specific course of instruction comprised of a classroom phase and at least one laboratory phase which teaches students to drive a motor vehicle. In a public school, the program must be presented by a teacher or instructor qualified under W.S. 21-7-303(c) to teach driver education.

(j) Driver education school - A school that teaches a driver education program and is not part of a public school, private school, community college, board of cooperative educational services, community education program, or parent based driver education program. Students are under age 21 and working towards their initial driver license.

(k) High school - A school consisting of grades nine (9) through twelve (12), or any combination of grades within this range.

(l) Home based educational program - A program of educational instruction provided to a child by the child's parent or legal guardian or by a person designated by the parent or legal guardian. An instructional program provided to more than one (1) family unit does not constitute a home-based educational program.

(m) Laboratory phase - Simulation, multi-car range and/or behind-the-wheel training.

(n) Multi-car range - The practical portion of a driver education program that is taught using multiple vehicles on a closed driving area. Each vehicle is under the direct control of a student, who is in communication with an instructor.

(o) Parent based driver education program - A driver education program taught by a parent or legal guardian to their own child or children when the high school the student(s) attends does not offer a driver education course.

(p) Private school - Any nonpublic, elementary or secondary school providing a basic academic educational program for children and may include parochial and church or religious schools and home-based educational programs.

(q) Simulation - The practical portion of a driver education program that uses simulated traffic events which provide students with opportunities to respond with realistic driving controls under the close supervision of a teacher. These events can be on film or computer generated.

#### **Section 5. Classroom Phase.**

(a) Classroom instruction in driver education should focus upon the driver responsibilities inherent in the task of driving. The classroom curriculum should include the areas of visual perceptual development, risk assessment, decision making, and other areas related to the driving task.

(b) At a minimum, the following areas shall be included in the classroom instruction:

- (i) State Traffic Laws.
- (ii) Vehicle Familiarization.
- (iii) Driver Readiness.
- (iv) Vehicle Control Introduction.
- (v) Establishing vehicle position.
- (vi) Basic vehicle maneuvering tasks.
- (vii) Roadway characteristics.
- (viii) Roadway signs and signals.
- (ix) Roadway markings.
- (x) Basic vehicle control tasks.
- (xi) Space management system development.
- (xii) Turnabouts.
- (xiii) Speed management.



- (xiv) Lane changes.
- (xv) Perpendicular, angle and parallel parking.
- (xvi) Traffic flow situations.
- (xvii) Space management situations.
- (xviii) Intersection entry.
- (xix) Curve entry/exit.
- (xx) Passing on multiple lanes.
- (xxi) Traffic flow situations up to maximum speed limit.
- (xxii) Space management situations to maximum speed limit.
- (xxiii) Merging/driving on/exiting limited access highway.
- (xxiv) Passing.
- (xxv) Driver fitness.
- (xxvi) Chemical use/abuse information.
- (xxvii) Adverse conditions preparation.
- (xxviii) Occupant protection.
- (xxix) Traffic flow situations under limited conditions of visibility/traction.
- (xxx) Space management assessment.
- (xxxi) Vehicle functions/malfunctions.
- (xxxii) Trip planning.
- (xxxiii) Adverse conditions preparation.
- (xxxiv) Operator and System Responsibilities.
- (xxxv) Mental and Perceptual Awareness.

(xxxvi) Driver Fitness Tasks.

(xxxvii) Avoiding Collision Threat.

#### **Section 6. Laboratory Instruction.**

(a) The performance objectives developed for the laboratory phase should parallel and supplement classroom instruction. In the laboratory phase, students may apply and reinforce the knowledge and behavioral tendencies gained in the classroom as well as acquire skills and establish desirable habit patterns.

(b) Student experiences in the laboratory phase shall include a combination of the following:

(i) Behind-the-wheel experience.

(ii) In-traffic observation experience.

(iii) Simulation.

(iv) Multiple car driving range.

(c) At a minimum, the following areas shall be included in the laboratory instruction:

(i) Basic Skills and Associated Behavior.

(A) Vehicle Operating Space.

(B) Getting Ready to Drive.

(C) Starting the Vehicle.

(D) Placing Vehicle in Motion.

(E) Stopping Vehicle in Motion.

(F) Steering.

(G) Securing the Vehicle.

(ii) Judgment of Vehicle to Roadway Position.

(A) Right Side of Vehicle.

(iii) Visualization of Intended Travel Path.

- (iv) Searching Intended Travel Path.
- (v) Speed Control.
- (vi) Lane Position Selection.
- (vii) Searching and Controlling the area to the Rear.
- (viii) Following Time and Space.
- (ix) Communication and Courtesy.
- (x) Responses to Emergency Situations.
- (xi) Knowledge and Skills.
- (xii) Assessing Space Management Skills.
- (xiii) Advanced Collision Avoidance Actions.

#### **Section 7. Minimum Hourly Requirements.**

(a) Minimum program hour requirements must also be satisfied. These hour requirements are as follows:

- (i) Classroom - minimum of thirty clock hours.
- (ii) Behind-the-wheel - minimum of six clock hours, exclusive of observation time.
- (iii) Any driver education program beginning after July 1, 2007 shall include a minimum of 6 hours observation time during the behind-the-wheel laboratory. There shall be a minimum of two students in the vehicle during all on-street lessons.
- (iv) Multiple-car driving range/behind-the-wheel combination - each two hours of multiple-car range instruction shall be equivalent to one hour of behind-the-wheel instruction; however, a minimum of at least two hours of on-street instruction shall be provided (exclusive of observation time) to each student.
- (v) Driver simulator/behind-the-wheel combination - each four hours of driver simulator instruction shall be equivalent to one hour of behind-the-wheel instruction; however, a minimum of three clock hours of behind-the-wheel

instruction shall be required for each student (exclusive of observation time).

(vi) Multiple-car driving range/driver simulator/behind-the-wheel combination - a minimum of two clock hours of behind-the-wheel instruction; however, a minimum of three clock hours of behind-the-wheel instruction shall be required. This combination program shall not substitute more than three equivalent hours of driver simulators.

(b) No driving time shall be on a motorcycle.

#### **Section 8. Program Approval Procedure and Application.**

(a) Program Approval Procedure.

(i) No high school, private school, community college, board of cooperative services, community education program, home-based educational program, parent based driver education program, or driver education school shall issue a certificate of completion from a driver education program for purposes of W.S. 31-7-108(a) unless the program has first been reviewed by the Wyoming Department of Education and issued a certificate of approval.

(ii) A driver education program shall apply for a certificate of approval by submitting, on a form approved by the Wyoming Department of Education, evidence that their instructors, curriculum and program structure meets the requirements of these rules.

(iii) An approved driver education program meets all of the requirements of Section 5 Classroom Phase, Section 6 Laboratory Phase, and Section 7 Minimum Hourly Requirements above.

(iv) A home based education or parent based driver education program shall meet the minimum hourly requirements as set forth in these rules. A computer based classroom program can be used to meet the classroom time requirements. The required observation time can be met by documenting observation time with a parent or legal guardian. These programs shall not be required to meet the requirements of Section 6(d) of these rules.

(v) Program approval shall be valid for three (3) years or until the instructor changes or the curriculum substantially changes.

(vi) This sub-section shall apply to all classes begun after August 15, 2006.

(b) Certificate of completion requirements.

(i) At the successful completion of the classroom and laboratory phase(s) of a driver education program, an approved driver education program may provide a certificate of completion to each student. The certificate shall include the following:

(A) name of the high school or program,

(B) student name,

(C) date of birth,

(D) student's driver license number,

(E) date the card was issued,

(F) original signatures of the teacher and a school administrator (mechanical signatures and/or photo copies are not acceptable),

(G) certificate of approval number

(ii) The certificate should also have the following sentence on it: "This is to certify that the above named student has successfully completed a driver education program consisting of at least 30 hours of classroom and 6 hours of driving instruction."

(iii) The certificate may be a card or a letter.